

1 **REMARKS**

2 The Applicants respectfully request reconsideration and allowance of claims 1-20 in view  
3 of the arguments set forth below.  
4

5 I. CLAIMS 1-20 ARE NOT ANTICIPATED BY THE CITED REFERENCE

6 The Office Action rejected claims 1-20 under 35 U.S.C. §102(e) as being anticipated by  
7 U.S. Patent No. 6,802,776 (the "776 Patent"). The Applicants respectfully traverse these  
8 rejections.

9 At the outset the Applicants note that the 776 Patent does not qualify as a 102(e)  
10 reference as to the present application. However, since the published version of the 776 Patent,  
11 U.S. patent publication 2002/0111207, qualifies as a 102(b) reference as to the present  
12 application, and since the disclosure of U.S. patent publication 2002/0111207 is essentially the  
13 same as the disclosure in the 776 Patent, the Applicants will address the anticipation rejections as  
14 if they were cited under the correct subsection of 35 U.S.C. §102 and applied the corresponding  
15 published application.

16 In order to show that a claim is anticipated by a given reference, a USPTO action must  
17 show that the reference explicitly or inherently discloses each element set out in the claim. The  
18 Office Action fails to meet this burden.

19 Claim 1 is directed to a method requiring the following four elements.

- 20 (a) with a data processing system, matching a first set of game designations with a set  
21 of bingo card representations to produce a matched card set and storing the  
22 matched card set in data storage for the data processing system, the matched card  
23 set including data representing a number of game play records with each game  
24 play record corresponding to a different one of the bingo card representations and

1 including a result indicator indicating a result of the match between the first set of  
2 game designations and the respective bingo card representation;  
3

- 4 (b) receiving a number of game play requests at the data processing system, each  
5 respective game play request being received from a respective remote device and  
6 being associated with a respective player and including identifying information to  
7 identify a respective bingo card representation from the set of bingo card  
8 representations;  
9
- 10 (c) for each game play request, assigning the respective player the game play record  
11 corresponding to the respective bingo card representation identified by the  
12 identifying information included with that game play request, the assigning being  
13 performed by the data processing system; and  
14
- 15 (d) wherein the identifying information produces an association between the  
16 respective bingo card representation and the respective player prior to the  
17 assignment of the respective game play record to the respective player.

18 The Office Action fails to show that the 776 Patent discloses any of elements (b), (c), and (d).

19 The limitation at element (b) of claim 1 is addressed in the Office Action at page 12, lines  
20 6-16.

21 The '776' further discloses that the bingo card representations are pre-matched to  
22 produce a matched card set, wherein it is disclosed that the data included in a  
23 game play request may include a game type identifier **which identifies a**  
24 **particular type of matched card set at the central computer, wherein the**  
25 **central computer may then use this game type identifier to choose the**  
26 **appropriate matched card set from which to assign a game play record** (col.  
27 13, lines 52 - 57). This Examiner views this as meeting the newly amended claim  
28 limitations of including *identifying information to identify a respective bingo card*  
29 *representation from the set of bingo card representations* that produces an  
30 association between the respective bingo card representation and the player  
31 request prior to the assignment of the respective game play record to the player.  
32 (Emphasis Added)

33 On the face of it, the bolded disclosure from the 776 Patent does not support the finding set out  
34 in italics in the quote from the Office Action. That is, the fact that the 776 Patent discloses that a  
35 game play request may include a game type identifier to allow the central computer to choose the

1 appropriate matched card set from which to assign a game play record does not support the  
2 finding that the 776 Patent discloses a game play request including identifying information to  
3 identify a respective bingo card representation from the set of bingo card representations. The  
4 cited disclosure from the 776 Patent refers to an identifier to select an appropriate matched card  
5 set of pre-matched bingo card representations, while the claim limitation at element (b) of claim  
6 1 (paraphrased in italics in the above quote from the Office Action) requires identifying  
7 information to identify a respective bingo card representation from the set of bingo card  
8 representations. Identifying a matched card set as disclosed in the 776 patent at col. 13, lines 52-  
9 57 is not the same as (or even similar to) identifying a particular bingo card representation from a  
10 set of bingo card representations.

11 Because the Office Action fails to show that the 776 reference discloses the identifying  
12 information limitation of element (b) of claim 1, the Applicants submit that the anticipation  
13 rejections of claim 1 and its dependent claims, claims 2-7, are in error and should be withdrawn.

14 Beyond failing to show that the 776 Patent discloses the above-described limitation from  
15 element (b) of claim 1, the Office Action also fails to show that the 776 Patent discloses elements  
16 (c) and (d) of claim 1. As pointed out in the previous responses in this case, the limitation at  
17 element (c) of claim 1 requires assigning a game play record corresponding to the bingo card  
18 representation identified by the incoming game play request. Such an assignment is simply not  
19 possible in the system disclosed in the 776 Patent because the incoming game play requests in the  
20 776 Patent are not identified with any particular bingo card representation. Certainly the Office  
21 Action does not show that the 776 Patent discloses the limitation set out at element (c) of claim  
22 1. As for element (d) of claim 1, the Office Action fails to show that the 776 Patent discloses any

1 identifying information included with a game play request which produces an association  
2 between a particular bingo card representation and the player prompting the game play request.

3 Each of the other independent claims, claims 8 and 14, include limitations corresponding  
4 to the identifying information limitation included at element (b) of claim 1. In particular,  
5 element (b) of claim 8 requires that each respective game play request includes identifying  
6 information to identify a respective bingo card representation in the matched card set, and  
7 element (a) of claim 14 requires that each game play request initiated by a player station includes  
8 identifying information which identifies a respective bingo card representation in a set of bingo  
9 card representations. Claims 8 and 14 also each include game play record assignment limitations  
10 corresponding to the limitation at element (c) of claim 1, and association limitations  
11 corresponding to the limitation of element (d) of claim 1. Thus the arguments above with regard  
12 to claim 1 apply with equal force as to independent claims 8 and 14. The Applicants therefore  
13 submit that the anticipation rejections of claims 8 and 14 and their respective dependent claims  
14 are in error and should be withdrawn.

15 It is noted that many of the dependent claims include additional limitations which the  
16 Office Action has failed to identify in the 776 Patent. Claims 4, 11, 12, and 15 all include an  
17 additional limitation as to identifying information in a game play request where the identifying  
18 information identifies a particular bingo card representation. Claims 17-20 all include an  
19 additional limitation as to associating bingo card representations to a player beyond the  
20 assignment of game play records. The Office Action fails to show that the 776 Patent includes  
21 any of these additional limitations. The Applicants therefore respectfully submit that at least

claims 4, 11, 12, 15, and 17-20 are each allowable over the 776 Patent not only through dependence on an allowable base claim, but also in view of the additional limitations they add.

II. THE CLAIMS ARE NOT OBJECTIONABLE FOR NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING OVER CLAIMS FROM THE 776 PATENT.

The Office Action rejected claims 1-4, 7-11, and 14-16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 7-10, 12, 16-18, 21-22, 28, and 34-36 of U.S. Patent No. 6,802,776 (the "776 patent"). The Applicants respectfully traverse these rejections.

As discussed above, the Office Action fails to show that the 776 patent discloses or suggests all of the limitations required by Applicants' claims. The Office Action also fails to show that claims 1-4, 7-11, and 14-16 are directed to obvious variations of the cited claims from the 776 patent. The comments in the Office Action at page 3, lines 8-14 represent the only support in the Office Action for the obviousness-type double patenting rejections. These comments fail to address the differences between the claims in the present case and the cited claims from the 776 Patent, and thus fail to make out a *prima facie* case of obviousness-type double patenting.

For all of these reasons the Applicants respectfully submit that the obviousness-type double patenting rejections are in error and should be withdrawn.

1        III.       CONCLUSION

2                For all of the above reasons the Applicants respectfully request reconsideration and  
3 allowance of claims 1-20.

4                If the Examiner should feel that any issue remains as to the allowability of these claims,  
5 or that a conference might expedite allowance of the claims, he is asked to telephone the  
6 Applicants' attorney Russell D. Culbertson at the number listed below.

7                                Respectfully submitted,

8                                The Culbertson Group, P.C.  
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11  
12 Dated: 3 Sept. 2010

13 By:   
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